

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OSSIE LEE SLAUGHTER,)
Plaintiff,) CASE NO. C05-1692JCC-JPD
v.)
REGIONAL JUSTICE CENTER, *et al.*,) ORDER DISMISSING SOME
Defendants) DEFENDANTS AND DIRECTING
) PERSONAL SERVICE BY
) UNITED STATES MARSHAL

This is a civil rights action brought under 42 U.S.C. § 1983. Plaintiff has been granted leave to proceed with this action *in forma pauperis*. Currently before the Court for review is plaintiff's amended civil rights complaint. Plaintiff alleges in his amended complaint that he has been denied adequate medical care during the course of his incarceration at the King County Regional Justice Center. He identifies three defendants in his amended complaint: the King County Regional Justice Center; King County; and, Jail Health Administrator Della. The Court, having reviewed plaintiff's amended civil rights complaint, and the balance of the record, does hereby find and ORDER as follows:

(1) The King County Regional Justice Center, as an entity of King County, is not an entity subject to suit in this § 1983 action. *See Nolan v. Snohomish County*, 59 Wn.App. 876, 883 (1990)

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1 ("in a legal action involving a county, the county itself is the only legal entity capable of suing and
2 being sued").

3 (2) Jail Health Administrator Della, as an employee of King County, is subject to suit in an
4 action brought under 42 U.S.C. § 1983. However, in order to sustain a cause of action against this
5 individual, plaintiff would have to allege facts showing how this individual caused or personally
6 participated in causing the harm alleged in the complaint. *See Arnold v. IBM*, 637 F.2d 1350, 1355
7 (9th Cir. 1981). Plaintiff has alleged no such facts in his amended complaint, despite being given an
8 opportunity to do so. (*See* Dkt. No. 12.)

9 (3) For the foregoing reasons, plaintiff's amended complaint is DISMISSED as to
10 defendants King County Regional Justice Center and Jail Health Administrator Della pursuant to 28
11 U.S.C. § 1915(e)(2)(B).

12 (4) Service by United States Marshal.

13 The United States Marshal shall personally serve King County by delivering copies of the
14 summons and complaint, together with a copy of this Order, to the Chief Executive of King County in
15 accordance with Rule 4(j) of the Federal Rules of Civil Procedure. The Clerk shall issue summons and
16 assemble the necessary documents to effect this personal service.

17 (5) Response to Complaint

18 Within **thirty (30) days** after service, defendant shall file and serve an answer or a motion
19 directed to the amended complaint, as permitted by Rule 12 of the Federal Rules of Civil Procedure.

20 (6) Filing and Service by Parties, Generally

21 All attorneys admitted to practice before this Court are required to file documents
22 electronically via the Court's CM/ECF system. Counsel are directed to the Court's website,
23 www.wawd.uscourts.gov, for a detailed description of the requirements for filing via CM/ECF. All
24 non-attorneys, such as *pro se* parties and/or prisoners, may continue to file a paper original of any
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1 document for the Court's consideration. A party filing a paper original does not need to file a
2 chambers copy. All filings, whether filed electronically or in traditional paper format, must indicate in
3 the upper right hand corner the name of the Magistrate Judge to whom the document is directed.

4 Additionally, any document filed with the Court must be accompanied by proof that it has been
5 served upon all parties that have entered a notice of appearance in the underlying matter. The proof of
6 service shall show the day and manner of service, and shall be provided in the form of either a signed
7 certificate (for admitted attorneys of the bar of this Court), or by signed affidavit (for any non-attorney
8 who served the document).

9 (7) **Motions**

10 Any request for court action shall be set forth in a motion, properly filed and served. Pursuant
11 to amended Local Rule CR 7(b), any argument being offered in support of a motion shall be submitted
12 as a part of the motion itself and not in a separate document. **The motion shall include in its**
13 **caption (immediately below the title of the motion) a designation of the date the motion is to be**
14 **noted for consideration upon the court's motion calendar.**

15 Stipulated and agreed motions, motions to file overlength motions or briefs, motions for
16 reconsideration, joint submissions pursuant to the option procedure established in CR37(a)(2)(B),
17 motions for default, requests for the Clerk to enter default judgment, and motions for the Court to
18 enter default judgment where the opposing party has not appeared shall be noted for consideration on
19 the day they are filed. *See Local Rule CR 7(d)(1).* All other non-dispositive motions shall be noted
20 for consideration no earlier than the third Friday following filing and service of the motion. *See Local*
21 *Rule CR 7(d)(3).* All dispositive motions shall be noted for consideration no earlier than the fourth
22 Friday following filing and service of the motion.

23 For electronic filers, all briefs and affidavits in opposition to either a dispositive or non-
24 dispositive motion shall be filed and served not later than 11:59 p.m. on the Monday immediately

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1 preceding the date designated for consideration of the motion. If a party (i.e. a *pro se* and/or prisoner)
2 files a paper original, that opposition must be received in the Clerk's Office by 4:30 p.m. on the
3 Monday preceding the date of consideration. If a party fails to file and serve timely opposition to a
4 motion, the Court may deem any opposition to be without merit.

5 Additionally, the party making the motion may file and serve, not later than 11:59 p.m. (if filing
6 electronically) or 4:30 p.m. (if filing a paper original with the Clerk's Office) on the judicial day
7 designated for consideration of the motion, a response to the opposing party's briefs and affidavits.

8 (8) Direct Communications with District Judge or Magistrate Judge

9 No direct communication is to take place with the District Judge or Magistrate Judge with
10 regard to this case. All relevant information and papers are to be directed to the Clerk.

11 (9) The Clerk is directed to send copies of this Order and of the General Order to plaintiff.
12 The Clerk is further directed to send a copy of this Order to the King County Prosecutor's Office and
13 to the Hon. James P. Donohue.

14 DATED this 20th day of December, 2005.

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16 
17
18 UNITED STATES DISTRICT JUDGE

19 Recommended for entry this
20 16th day of December, 2005.

21
22 /s/ JAMES P. DONOHUE
23 United States Magistrate Judge

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